IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

WP(C).No. 16492 of 2007(R)

PETITIONER:

N.PRAKASH, P.S.TO JUDGE,
(UNDER SUSPENSION), HIGH COURT OF KERALA,
ERNAKULAM.

BY SRI.N.PRAKASH-(PARTY-IN PERSON)

RESPONDENTS:
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1. **THE REGISTRAR GENERAL,**
   HIGH COURT OF KERALA, ERNAKULAM.

2. **THE HIGH COURT OF KERALA,**
   ERNAKULAM REP. BY ITS REGISTRAR GENERAL.

3. **THE REGISTRAR(VIGILANCE),**
   HIGH COURT OF KERALA, ERNAKULAM.

4. **THE DIRECTOR, KERALA JUDICIAL ACADEMY,**
   OLD HIGH COURT BUILDINGS, ERNAKULAM.

5. **SMT.T.R.REHANA, SHORTHAND WRITER GR II,.**
   HIGH COURT OF KERALA, ERNAKULAM.

6. **SRI.K.R.JAYAPRAKASH NARAYANAN,**
   JOINT REGISTRAR (GROUPING AND CLASSIFICATION),
   HIGH COURT OF KERALA, ERNAKULAM.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 16492 OF 2007-R

JUDGMENT

The petitioner challenges Ext.P18 enquiry report submitted by the Enquiry Officer. The said report relates to certain charges levelled against him by one of his colleagues. The challenge against the said report is premature. If the said report is used against the petitioner and any punishment is imposed on him, while challenging that order, he can challenge the findings in Ext.P18 also.

2. The petitioner is facing enquiry, based on another memo of charges. He claims reinstatement in service, pending the disciplinary proceedings. The representation in this regard was directed to be considered by this Court on the judicial side. Pursuant to the said direction, Ext.P23 official memorandum has been issued, stating that the question of revocation of suspension can be considered only after the completion of the enquiry. The petitioner has not chosen to challenge Ext.P23 in this writ petition.

3. Going by the allegations against the petitioner, I feel that if the

disciplinary thinks that the petitioner cannot be reinstated in service before the enquiry is over, there is nothing illegal or irrational with it. It is a decision within jurisdiction. Accordingly, the prayer of the petitioner for reinstatement in service, at this stage, cannot be allowed.

In the result, the writ petition is dismissed.

31st May, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/